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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David W. Miller, et al.

Serial No.: 09/535,842

Filed: March 28, 2003

Attorney Docket No.: 99-082-TAP

For: SCALABLE MEANS OF SUPPLYING POWER TO A REMOTELY
CONTROLLED, SEMI-AUTONOMOUS ROBOT

2003 AUG -1 PM 4:47
US PATENT & TRADEMARK
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**REQUEST FOR REFUND
UNDER 37 C.F.R. § 1.26(a)**

Mail Stop 16
Director of the U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This request for refund is made within two years of the date an Extension of Time fee was charged to this application on July 2, 2003, in the amount of \$410. The amount of refund requested is \$300.

II. REASON FOR REQUEST

Applicant received a Final Office Action on February 19, 2003, with a three-month shortened statutory period in which to respond. Applicant filed a response to the Action on April 10, 2003 (within two months of the date of the Final Office Action),

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop 16, Director of the U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

July 29, 2003
Date of Deposit

Rebecca Uryga
Name of Person Signing

Rebecca Uryga
Signature

and Examiner mailed an Advisory Action to this response on June 2, 2003 (after the three-month shortened statutory period for the Final Office Action). Applicant then filed a Notice Of Appeal with a one-month extension of time fee for \$110 on July 2, 2003 (one month after the Advisory Action was mailed). However, Applicant was charged \$410.00, through Deposit Account No. 02-3978, for a two month extension of time (calculated from the February 19, 2003 mailing date of the Final Office Action).

Form Paragraph 7.40.01 states that "in the event a first reply is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three month shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. 1.136(a) will be calculated from the mailing date of the advisory action." MPEP 706.07(b).

Because applicant met this requirement, the extension of time should have been calculated from the mailing date of the Advisory Action. Applicant signed a Certificate of Mailing for the Notice of Appeal exactly one month from the date of the Advisory Action (copy enclosed). Therefore, Applicant should have been charged only a one-month extension of time fee, and respectfully requests a refund of \$300 to correct the overcharge of the second month extension of time fee.

III. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 02-3978.

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Serial No. 09/535,842

Atty. Docket No. 99-082-TAP

Respectfully submitted,

David W. Miller, et al.

By:

Rebecca Uryga
Rebecca Uryga
Reg. No. 53,713
Attorney/Agent for Applicant

Date: July 29, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

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